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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,643	12/02/2003	Norman Goris	N, GORIS 7-7	4532
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HITT GAINES, PC LSI Corporation PO BOX 832570 RICHARDSON, TX 75083			EXAMINER AGA, SORI A	
			ART UNIT 2619	PAPER NUMBER
			NOTIFICATION DATE 02/05/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

doctet@hittgaines.com

Office Action Summary

Application No.

10/725,643

Applicant(s)

GORIS ET AL.

Examiner

Sori A. Aga

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendments and accompanying remarks, filed on 11/15/2007 have been entered and have been carefully considered. Claims 1, 11 and 21 are amended. Claims 1-23 are pending.

Drawings

1. The drawings are objected to because figure 1 needs descriptive text labels. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 6 recites the limitation "transfer time" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites 'transfer time' as a parameter. It does not clearly point out if said transfer time is the same as the transfer time recited in the presently amended claim 1 on which it depends. Appropriate action is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5-12 and 15- 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yahagi (US 20020102978 A1) (herein after Yahagi) in view of

Michaelis et al. (US 20040009751 A1) (herein after Michaelis) and Hashimoto et al. (US 2004/0066763) (herein after Hashimoto).

Regarding Claims 1 and 11: Yahagi teaches, in a first embodiment, a controller (network selector) that directs the wireless interface (mobile communication device) to send a request (data communication) to a controller within a communication center (communication server) associated with three candidate networks. In the same embodiment Yahagi teaches one of the candidate networks is a wireless network. [0037 lines 4-6 and 0038 lines 10-17 see also fig. 6].

However, Yahagi does not teach at least two wireless networks. However, Yahagi in a second embodiment teaches three candidate wireless networks [0025 lines 1-8 see also fig. 1]. Therefore, it would have been obvious at the time of the invention to include more than one wireless networks in the first embodiment in order to allow the user selectively access a plurality of wireless networks.

However, Yahagi does not explicitly teach a quality parameter determined by calculating a time needed for each data transfer. However, Michaelis in the same field of endeavor teaches using "typical round trip time (RTT)" in selecting a wireless network [0022 lines 3-5 and 0023 line 8]. An RTT is a communication quality parameter determined by calculating time needed for data transfer.

Therefore, it would have been obvious at the time of the invention to evaluate candidate networks using RTT in order to determine if the candidate networks meet certain Quality Of Service requirements.

However, Yahagi does not explicitly teach the RTT calculation is performed in the mobile communication device. However, Hashimoto in the same field of endeavor teaches a wireless LAN terminal (mobile communication device) that calculates RTT (time needed for data transfer) [0134 line 1 and 0135 line 4-7; see also fig. 13]. Therefore, it would have been obvious at the time of the invention to enable the mobile communication device of Yahagi to calculate RTT in order to enable said device determine if the candidate networks meet certain Quality Of Service requirements.

Regarding Claims 2 and 12: where the selection system employs one of the candidate networks; Yahagi teaches, "...Controller 22 directs the wireless interface 21 to establish a connection to the network which is selected..." [0025 lines 11-12]

Claim 5, 15 and 22; the communication device is selected from the given list that is given alternatively. Therefore, examiner discusses one of the choices to show anticipation by the reference.

Yahagi teaches that the communication device is a mobile terminal of cellular phone. [0024 line 5].

Claims 6 and 16 Michaelis teaches a communication parameter can include RTT (transfer time) as discussed regarding claim 1 (see discussion above).

Claims 7 and 17 include all the limitations of 1 and 11 respectively. Yahagi teaches all the limitations of claims 1 and 11 as discussed above. However, Yahagi does not explicitly teach communication drops as a quality parameter of communication quality. However, Michaelis teaches lowering the candidate status of a network based on losing of a connection (dropping) [0045 line 6] . Therefore, it would have been obvious at the time of the invention to add droppings as a parameter for selecting networks in order minimize the selection of networks with higher probability of droppings as a serving network.

Regarding claims 8 and 18: where the selector employs a display; Yahagi teaches that the device includes a display for indicating the received response signal [0025 lines 8-11]

Claim 9 and 19: Yahagi teaches tariff data (charge rate) is taken into account for evaluating the networks. [0026 line 8]

Claim 10 and 20: Yahagi teaches a multi-network environment allowing the user to receive service without making a manual switchover (automatic) from one network to another [0005 lines 3-5]. Therefore Yahagi anticipates data transfers and evaluation done automatically.

Claim 21: Yahagi teaches "...User interface 23 includes a display and an annunciator for indicating the received response signal to permit the user to select a desired network and enter a command signal..." [0025 line 8-11]. Therefore, Yahagi teaches a display and a way permitting the user to enter a command signal. A "user interface" includes a keypad for allowing user to enter a command signal.

All the limitations regarding the network selector are considered to be substantially the same as claim 1. Yahagi in view of Michaelis and Hashimoto teach all the limitations of claim 1 as discussed above.

Claim 23: Yahagi teaches a display to allow a user to see and select outcome of said evaluation as discussed regarding claim 22 above.

3. Claims 3,4,13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yahagi (US 20020102978 A1) (herein after Yahagi) in view of Michaelis et al. (US 20040009751 A1) (herein after Michaelis) and Hashimoto et al. (US 2004/0066763) (herein after Hashimoto) as applied to claim 1 above and further in view of Guilford et al. (US 20020087674 A1) (herein after Guilford).

Claims 3 and 13 alternatively list candidate network types and standards adapted by said candidate networks.

Yahagi does not explicitly teach GSM, UMTS. However, Guilford in the same field of endeavor as Yahagi (wireless network selection method based on selected parameters) teaches that candidate networks can be GSM or UMTS [0014 lines 8-10]. It would have been obvious at the time of the invention to make Yahagi's device compatible with said standards in order to have devices that are commercially appealable in view of the fact that said standards are widely used in the Industry.

Claims 4 and 14 alternatively list candidate network types and standards adapted by said candidate networks.

Yahagi does not explicitly teach networks conforming to GPRS, HSCSD or EDGE standards. However, Guilford teaches the candidate networks may employ different technologies such as GPRS or EDGE. [0027 line 2 and 0087 line 4]. It would have been obvious at the time of the invention to make Yahagi's device compatible with said standards in order to have devices that are commercially appealable in view of the fact that said standards are widely used in the Industry.

Response to Arguments

4. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

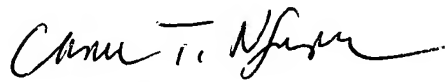
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sori A. Aga whose telephone number is (571) 270-1868. The examiner can normally be reached on M-Th 7:30-5:00, F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.A.



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